

Nays—8

Bates	Grover
Bernal	Jordan
Brooks	Patman
Connally	Schwartz

Absent—Excused

Berry

Message From the Governor

The following message received from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas,
September 3, 1969.

To the Senate of the Sixty-First Legislature, Second Called Session:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointment:

To be a Member of the State Board of Insurance: for a six year term to expire on January 31, 1975: Charles D. Mathews, President, Red Ball Motor Freight, P. O. Box 47407, Dallas, Texas 75247. (Dallas County 214/ME 1-4220). Res.: 10422 Crestover (214/351-4597), Dallas, Texas 75229.

Respectfully submitted,
PRESTON SMITH,
Governor of Texas

Adjournment

On motion of Senator Aikin the Senate at 4:14 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

FIFTH DAY

(Thursday, September 4, 1969)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Harris
Bates	Hazlewood
Bernal	Herring
Blanchard	Hightower
Bridges	Jordan
Brooks	Kennard
Christie	Mauzy
Cole	McKool
Connally	Moore
Creighton	Patman
Grover	Ratliff
Hall	Schwartz
Harrington	Snelson

Strong	Wilson
Watson	Word

Absent—Excused

Berry

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Berry was granted leave of absence for today on account of illness on motion of Senator Bates.

Vote on Concurrence in House Amendments to Senate Bill 3 Reconsidered

On motion of Senator Moore and by unanimous consent, the vote by which the Senate concurred in the House amendments to S. B. No. 3 on yesterday was reconsidered.

Question—Shall the Senate concur in the House amendments to S. B. No. 3?

The Senate again concurred in House amendments to S. B. No. 3 by the following vote:

Yeas—30

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Blanchard	Kennard
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Cole	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word

Absent—Excused

Berry

Messages From the Governor

The following messages received from the Governor were read and were referred to the Committee on Nominations:

Austin, Texas,
September 4, 1969.

To the Senate of the Sixty-first Legislature, Second Called Session:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Members of the Commission for Rehabilitation: For two (2) year terms to expire on August 31, 1971: John Thomas Bean, Owner, John T. Bean Farms-Ranches, El Paso, Texas 79907 (El Paso County, 915 859-7982), Res.: 7421 Dale Rd. (915 772-5853), El Paso, Texas 79915; Jack Burris Dale, Director, Civic Affairs, Transcontinental Gas Pipeline Co., P. O. Box 1396, Houston, Texas 77001 (Harris County, 713 JA 4-6351, Ext. 516), Res.: 7906 Del Monte (713 SU 2-0970), Houston, Texas 77042. For four (4) year terms to expire on August 31, 1973: John James Hinchey, M.D., 1-A Medical Professional Bldg., San Antonio, Texas 78200 (Bexar County, 512 CA 5-5741), Res.: 601 Canterbury Hill (512 TA 2-9356), San Antonio, Texas 78209; Clifford Stanley Knappe, Ph.D., Clinical Associate Professor, Baylor University, Waco, Texas 76703 (McLennan County, 817 755-2961), Res.: 1024 North 18A (817 754-3666), Waco, Texas 76707. For six (6) year terms to expire on August 31, 1975: Mrs. Marjorie Cone Kastman, Guardian Estate of S. E. Cone, 2806 34th St., Lubbock, Texas 79403 (Lubbock County, 806 SW 5-3917), Res.: 4601 20th St. (806 SW 9-2501), Lubbock, Texas 79407, John David Simpson, Jr., President, Superior Dairies, 600 E. 1st St., Austin, Texas 78701 (Travis County, 512 GR 6-0683), Res.: 3405 Mountain Top Circle (512 GL 2-4484), Austin, Texas 78731.

Respectfully submitted,
PRESTON SMITH,
Governor of Texas.

Austin, Texas,
September 4, 1969.

To the Senate of the Sixty-first Legislature, Second Called Session:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Branch Pilots for the Sabine Bar, Pass, and Tributaries: For a four-year term to expire August 31, 1973: Captain Richard Gerald Johnson, 709 Lakeshore, Port Arthur,

Texas (Jefferson County), 713 YU 5-8847, Res.: 3655 Crestwood Dr. (713 TW 2-3798), Beaumont, Texas 77702; Captain Samuel William Livingston, 709 Lakeshore, Port Arthur, Texas (Jefferson County), 713 YU 5-8847, Res.: 4646 Hollywood Dr. (713 WO 2-6990), Port Arthur, Texas 77640; Captain Theodore Ralph Morgan, 709 Lakeshore, Port Arthur, Texas (Jefferson County), 713 YU 5-8847, Res.: 3222 Woodlawn Dr. (713 WO 2-6977), Groves, Texas 77619; Captain Daniel Jackson Simonton, 709 Lakeshore, Port Arthur, Texas (Jefferson County), 713 YU 5-8847, Res.: 5101 4th St. (713 YU 5-4869), Port Arthur, Texas 77640; Captain Harold Edwin Weaver, 709 Lakeshore, Port Arthur, Texas (Jefferson County), 713 YU 5-8847, Res.: 4341 Big Bend (713 YU 2-3340), Port Arthur, Texas 77640.

Respectfully submitted,
PRESTON SMITH,
Governor of Texas.

Senate Concurrent Resolution 1

Senator McKool offered the following resolution:

S. C. R. No. 1, Defining legislative intent in passage of H. B. No. 579, Regular Session, 61st Legislature.

Whereas, The 61st Legislature, at its Regular Session, enacted H. B. No. 579, which added Article 13.17 to Chapter 13, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, relating to licensing and regulation of businesses dealing in coin-operated machines; and

Whereas, It is the stated purpose of the Article to provide comprehensive regulation of music and skill or pleasure coin-operated machines and businesses dealing in these machines, and to prevent persons in these businesses from having concurrent financial interests in certain alcoholic beverage businesses; and

Whereas, Due to the ambiguity of some of the language in the Article considerable confusion exists concerning the necessity of obtaining a license, as required by Sections 8(1) and 16(1) of Article 13.17, by one who only owns a single place of business and who owns and operates a music or skill or pleasure coin-operated machine used exclusively in the operation of other businesses that are not required to be licensed by the Article; now, therefore, be it

Resolved by the Senate of the 61st Legislature, 2nd Called Session, the House of Representatives concurring, That in enacting H. B. No. 579 it was not the legislative intent to require a licensee or permittee under the Texas Liquor Control Act, or the owner of a restaurant, store, or other retail service establishment, to obtain a license under Section 8(1) of Article 13.17 merely because he owns coin-operated machines, so long as they are used exclusively on premises owned or leased by him in connection with that business.

McKOOL
BERNAL

The resolution was read and was referred to the Committee on County, District and Urban Affairs.

Recess

On motion of Senator Aikin the Senate at 11:35 o'clock a.m. took recess until 2:00 o'clock p.m. today.

After Recess

The President called the Senate to order at 2:00 o'clock p.m. today.

Senate Resolution 24

Senator Blanchard offered the following resolution:

Whereas, North American Acceptance Corporation, a corporation with its principal office in Atlanta, Georgia, is conducting its business operations in Texas in such a manner as to endanger the rights and welfare of the citizens of this State; and

Whereas, The citizens of Texas deserve protection of their possessions by their State Government; and

Whereas, Helpless citizens are being evicted from their homes in Texas as a result of the questionable operations of said North American Acceptance Corporation and its Texas affiliates, Twin Aluminum Company and Triangle Aluminum, Inc.; now, therefore, be it

Resolved by the Senate of Texas, That the State of Texas, through the Senate General Investigating Committee or any appropriate agency of the State, investigate to the fullest extent the operations of North American Acceptance Corporation, and its Texas affiliates, Twin Aluminum Com-

pany and Triangle Aluminum, Inc., and any other person, firm or corporation conducting the same or similar type business operations and the methods by which such business is conducted, and take such action as is required to regulate and control such operations so that our citizens can be protected; and, be it further

Resolved that such Committee or Agency recommend whatever appropriate action is deemed necessary under the circumstances.

BLANCHARD
WORD

The resolution was read and was adopted.

Senate Concurrent Resolution 2

Senator Aikin offered the following resolution:

S. C. R. No. 2, Requesting return of H. B. No. 4 from House of Representatives for further consideration.

Whereas, The Senate desires to make certain technical changes in H. B. No. 4; now, therefore, be it

Resolved by the Senate of the State of Texas, That the Senate request the House to return H. B. No. 4 to the Senate; and, be it further

Resolved, That the House of Representatives, by passage of this Resolution, concurs and agrees to return H. B. No. 4 to the Senate and the Chief Clerk of the House be instructed to return H. B. No. 4 to the Senate for further consideration.

The resolution was read.

On motion of Senator Aikin, and by unanimous consent, the resolution was considered immediately and was adopted.

Bill Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bill:

S. B. No. 3, A bill to be entitled "An Act creating the 186th Judicial District and the 186th District Court of Bexar County and providing for the court's jurisdiction, terms, personnel, administration, and practice; amending Subsections (B), (E), (G), (H), (K), (M), (N), (O), and (Q), Section 4, Chapter 507, Acts of the

58th Legislature, 1963; and declaring an emergency."

Executive Session

On motion of Senator Word, and by unanimous consent, the Senate agreed to hold an Executive Session at 2:05 o'clock p.m. today.

Accordingly, the President directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nomination of the Governor:

To be a member of the State Board of Insurance, for a six-year term to expire on January 31, 1975: Charles D. Mathews, Dallas, Dallas County.

In Legislative Session

The President called the Senate to order as In Legislative Session at 2:25 o'clock p.m. today.

(Senator Creighton in Chair.)

Message From the House

Hall of the House of Representatives,
Austin, Texas,
September 4, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 2, Requesting the return of H. B. No. 4 for further consideration. H. B. No. 4 is returned herewith.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Vote on Final Passage of House Bill 4 Reconsidered

On motion of Senator Moore, and by unanimous consent, the vote by which H. B. No. 4 was finally passed was reconsidered.

Question—Shall H. B. No. 4 be finally passed?

Senator Hall offered the following amendment to the bill:

Amend House Bill No. 4 as follows:

1. Amend Section 12, Article 1, to read as follows:

Sec. 12. Section (J), Article 20.05, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as last amended by Section 11, Chapter 2, Acts of the 60th Legislature, 1st Called Session, 1968, is amended to read as follows:

"(J) Commingled Tax and Receipts. Any retailer who establishes an accounting system under which the amount of tax collected pursuant to this Chapter is commingled with the receipts from the sale of tangible personal property may determine taxable receipts in the following manner:

"(1) He shall subtract from his total receipts the receipts from any sales which are specifically exempt from or otherwise excluded from the tax imposed by this Chapter. The remainder shall consist of the receipts from the sale of tangible personal property plus the tax collected pursuant to the provisions of this Chapter.

"(2) This remainder shall then be divided by 1.0325. The answer resulting shall be the taxable gross receipts of the retailer for reporting purposes as prescribed by Section (B) of this Article.

"The sole purpose of this Section is to permit the widest possible latitude in the internal accounting system of retailers and to avoid requiring certain retailers to remit to the State a tax computed upon a base which already includes the tax imposed by this Chapter. Nothing herein shall be construed to relieve the retailer of the obligation and duty of collecting the tax in the specific manner prescribed by Article 20.021 of this Chapter.

2. Strike the words "January 1, 1970," and substitute the words "October 1, 1969," in the quoted Article 20.03 in Section 5 of Article 1.

3. Strike all of quoted Sections (1), (2), (3), and (4) in Section 1 of Article 8 and insert the following:

"(1) In addition to all other taxes imposed under this Chapter, there is hereby imposed an additional tax on the attendance at motion pictures classified 'X' as provided by this Article.

"(2) There shall be a tax of One Dollar (\$1.00) per person upon attendance at motion pictures desig-

nated by the Commissioner of Labor Statistics of the State of Texas, with the letter 'X.' It shall be the duty of the Commissioner, in the exercise of his discretion, to classify as 'X' or 'A' each motion picture to be shown in this State and to adopt rules and regulations for the purpose of so classifying each motion picture. He shall classify with an 'X' each motion picture which is found to be unsuitable for display to minors by reason of being devoid of any substantial social, moral, or ethical values and being primarily designed to appeal to the prurient interest or attention of the viewer. For the purposes of this Article, a minor is an unmarried person under 18 years of age.

"(3) It shall be unlawful to show to the public any motion picture in this State before the same has been first classified by the Commissioner and a certificate of such classification issued by him. Any person, corporation or other legal entity violating this Article shall be subject to a civil penalty, to be collected by suit by the Attorney General of the State of Texas, on the basis of not more than \$1,000, and not less than \$100, for each violation and for each day the violation continues.

"(4) In any suit brought by the Attorney General for the enforcement of this Article, or the collection of taxes herein provided, the issue of proper classification of the motion picture shall be one of law; that is, whether the Commissioner abused his discretion in making such classification.

"(5) All persons, firms, or corporations liable for the tax levied hereunder shall file quarterly reports with the State Comptroller of Public Accounts no later than the 15th day of each of the months of January, April, July, and October of each year for the three-month period ended on the last day of the month immediately preceding the month on which the report is due. All taxes due for such period shall be paid to the State Comptroller of Public Accounts at the time that the report is required to be filed.

"(6) Every person, firm and corporation required to make reports under this section shall keep complete and accurate records of attendance and such other information as is required under this Article. The kind and form

of such records may be prescribed by the State Comptroller of Public Accounts and all records shall be so kept as to be adequate to enable him to determine any tax liability."

The amendment was read.

Senator Brooks offered the following amendment to the pending amendment:

"Amend the pending Hall amendment by deleting all of Section 3 on Page 2, and substituting in lieu thereof the following:

"Amend H. B. 4 by striking the adopted Amendment No. 3 by Hall on second reading which amended H. B. 4, Page 19, concerning the tax on movies under Article 8, and by further striking Article 8 in its entirety and renumbering the succeeding Articles accordingly."

The amendment to the pending amendment was read.

Senator Hall moved to table the amendment to the pending amendment.

The motion to table was lost.

Question recurring on the adoption of the amendment to the pending amendment, the amendment was adopted.

Record of Votes

Senators Hall, Strong, Hightower and Hazlewood asked to be recorded as voting "Nay" on the adoption of the above amendment.

The amendment as amended was then adopted by the following vote:

Yeas—29

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Blanchard	Kennard
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Cole	Patman
Connally	Ratliff
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

Nays—1

Schwartz

Absent—Excused

Berry

Senator Word offered the following amendment to the bill:

"Amend Article 7, Section 3, of the Committee Substitute for House Bill 4 by adding a new quoted subsection (f) to quoted Section (21) to read as follows:

"(f) Only the holder of a package store permit shall be authorized to sell liquor to the holder of an air line beverage permit; and for the purposes of this Act, any sale of liquor to the holder of an air line beverage permit shall be considered a sale at retail to a consumer. Notwithstanding any other provision of the Texas Liquor Control Act, the holder of a beverage store permit may sell liquor in any size container to holders of air line beverage permits, and may purchase liquor in any size container from the holder of a wholesaler's permit for resale only to holders of air line beverage permits, subject to any reasonable rules and regulations promulgated by the Board to insure proper enforcement of the Texas Liquor Control Act. Anyone who knowingly violates the provisions of this subsection will forfeit his permit as package store permittee and/or an air line beverage permittee."

The amendment was read and was adopted by the following vote:

Yeas—22

Bates	Herring
Bernal	Hightower
Blanchard	Jordan
Bridges	Kennard
Brooks	McKool
Christie	Moore
Cole	Ratliff
Creighton	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word

Nays—6

Aikin	Patman
Hall	Schwartz
Mauzy	Snelson

Absent

Connally	Grover
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Absent—Excused

Berry

The bill as amended was again passed by the following vote:

Yeas—23

Aikin	Hightower
Blanchard	Kennard
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Cole	Ratliff
Creighton	Snelson
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word
Herring	

Nays—6

Bates	Jordan
Bernal	Patman
Connally	Schwartz

Absent

Grover

Absent—Excused

Berry

Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

S. C. R. No. 2, Requesting the return of H. B. No. 4 from the House of Representatives for further consideration.

(President in Chair.)

Senate Concurrent Resolution 3

Senator Hightower offered the following resolution:

S. C. R. No. 3, Providing for a Permanent Assignment Committee of Space in the Capitol.

Whereas, Offices in the Capitol for the use of Members of the Texas Legislature and the staffs of legislative service agencies are at a premium, and allocations of space have been made largely on an emergency basis, as space became available; and

Whereas, It is important that space in the Capitol be utilized with the utmost efficiency; now, therefore, be it

Resolved by the Senate of the 61st Legislature, the House of Representatives concurring, That a committee be and it is hereby created to review

present space allocations in the Capitol and to make permanent assignments of office space contingent upon the removal of the Treasury Department and the department of the Comptroller of Public Accounts from the Capitol; and, be it further

Resolved, That the Committee for the Permanent Assignment of Space in the Capitol shall be composed of three members, to be appointed, one each, by the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives; and any assignments made by unanimous agreement of such committee shall be binding upon the office of the Governor, the Senate, and the House of Representatives; and, be it further

Resolved, That actual and necessary expenses of the committee shall be paid from the Contingent Expenses Funds of the Senate and the House of Representatives.

The resolution was read.

On motion of Senator Hightower, and by unanimous consent, the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 4

Senator Bates offered the following resolution:

S. C. R. No. 4, Providing for a Delinquent Ad Valorem Tax Study Commission.

Whereas, According to the best available estimates, hundreds of millions of dollars in delinquent ad valorem taxes are owed to the State of Texas and its taxing units, unjustly imposing an additional burden on the great majority of property owners who pay their taxes on time; and

Whereas, Much of the real property in the state escapes its fair share of taxation because of omission from the rolls and legally insufficient assessments; and

Whereas, According to the best available estimates, delinquent ad valorem taxes on the rolls and owed in this state increase by more than \$10 million per year despite the urgent need of all taxing units for adequate revenue to provide vital services and meet the responsibilities of government, and this figure does not include revenue losses from omitted properties, many of which have never been taxed; and

Whereas, These ever-mounting delinquencies are almost more certain than the taxes themselves and pose a serious threat to current collections and erode respect for and confidence in the state and its institutions and the tax laws in general; and

Whereas, The present ad valorem tax laws may be satisfactory for tax receiving from the millions of taxpayers ready and willing to meet their obligations as property owners, but are inadequate and cumbersome for tax collecting where suits must be brought to enforce payment; and

Whereas, The present available enforcement procedures have been tried and found wanting by many taxing units working diligently to keep their past due taxes to a minimum; and

Whereas, Many of the tax delinquencies and omissions arise from difficulties in assessing and insufficient information as to properties to be taxed, the names and addresses of their owners and proper legal descriptions; and

Whereas, Acting in reliance on the present law which bars use of limitations as a defense in suits for taxes on delinquent real property (except pre-1941 taxes for school districts), officials of many taxing units follow an unofficial policy of compassionate enforcement with regard to suit and foreclosure on homesteads of elderly citizens and defer actions to collect such taxes when delinquent until the properties are sold or pass to heirs or devisees or are no longer used as homesteads by their elderly owners; and

Whereas, Record-keeping on ever-increasing delinquencies, particularly annual repeat items, is an almost overwhelming problem to taxing units with small clerical staffs, limited office equipment and inadequate budgets and is an unproductive expense to all taxing units, regardless of size; and

Whereas, True and correct statements of delinquent taxes are essential to protect real estate transactions from "hidden" tax liens, but the delinquent records in many taxing units are fragmentary and unreliable for issuance of tax certificates as provided by law; and

Whereas, Adequate information is not available as to:

(1) The totals of such delinquencies

on the rolls of this state;

(2) The types of properties involved and likelihood of collections;

(3) The quantities and values of properties omitted from the tax rolls or assessed in a legally insufficient manner and the measures required to correct such deficiencies;

(4) The statutory and procedural revisions required for satisfactory assessments and speedy collection of ad valorem taxes;

(5) The protection to be maintained for taxing units following a policy of compassionate enforcement on homesteads of elderly Texans and the need for possible changes in the law to provide for uniform and/or voluntary official deferment of all or a part of the collection of taxes on these homesteads while occupied by their elderly owners; and

(6) The costs of and new methods available for creating and keeping adequate records on delinquent ad valorem taxes until collections can be effected and in the meantime to facilitate real estate transfers by providing for usable, recordable and conclusive abstracts of tax payments (tax certificates); and

Whereas, There is an urgent need for adequate information on these items and related matters pertaining to ad valorem taxes so that the Legislature and the Supreme Court will have reliable bases for whatever action is deemed necessary to insure the prompt, efficient, and above all the fair and impartial, assessment and collection of ad valorem taxes in Texas by all taxing units; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring; That:

Section 1. The Delinquent Ad Valorem Tax Study Commission is hereby established, composed of three (3) members-at-large appointed by the Governor, three (3) members of the Senate appointed by the Lieutenant Governor, three (3) members of the House of Representatives appointed by the Speaker, three (3) members appointed by the Chief Justice of the Supreme Court of Texas, the Comptroller of Public Accounts and the Attorney General, and the following ex officio members: the President of the State Bar of Texas for 1969-1970; the President of the Tax Assessor-Collectors Association of Texas for

1969-1970, and the present President of the Texas Association of Assessing Officers.

Sec. 2. The Comptroller, the Attorney General and the Texas Legislative Council are hereby requested to provide the study commission with all information and assistance they can in the performance of its task. The study commission may appoint such advisory committees as it deems useful and appropriate.

Sec. 3. The study commission shall first be assembled at the call of the Governor. The commission shall then elect from its membership a chairman and a secretary.

Sec. 4. The members of the commission shall be reimbursed for their actual expenses incurred in carrying out the purposes of this Resolution. The expenses of each legislative member shall be paid from the contingent expenses fund of the House of which he is a member, and the expenses of the other members shall be paid equally from the contingent expenses funds of the House and Senate.

Sec. 5. The Delinquent Ad Valorem Tax Study Commission shall undertake a study of the whole problem of delinquent ad valorem taxes in Texas, the causes for such tax delinquencies and omitted assessments, the reasons why these taxes are not collected and all other relevant matters and shall report its findings and recommendations in these premises to the Governor, Lieutenant Governor, Speaker of the House and the Chief Justice of the Supreme Court of Texas before the convening of the 62nd Legislature.

The resolution was read.

On motion of Senator Bates, and by unanimous consent, the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 5

Senator Herring offered the following resolution:

S. C. R. No. 5, Dedicating certain tracts of land to the City of Austin.

Whereas, The construction of a Sanitary Sewer main along Shoal-creek necessitates the dedication of easements over certain tracts of land for such sanitary sewer main purposes; and

Whereas, Creation of this sanitary sewer main will greatly benefit various

State properties and the public in general; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That easements over the hereinafter described tracts of land be and the same are hereby dedicated to the City of Austin. Said tracts of land being more particularly described as follows:

Two strips of land fifteen (15.00) feet in width, same being out of and a part of that certain remaining 26.72 acres out of an original 100 acre tract of land out of the George W. Spear Survey in the City of Austin, Travis County, Texas, which said original 100 acre tract of land was conveyed unto the State of Texas by Warranty Deed dated July 28, 1884, of record in Volume 76 at Page 225 of the Deed Records of Travis County, Texas; the centerline of said two strips of land fifteen (15.00) feet in width being more particularly described as follows:

EASEMENT NO. 1:

Beginning at a point in a south line of said remaining 26.72 acre tract of land, same also being a point in the north line of that certain tract of land which was conveyed unto Margaret L. Hill, a feme sole, by Warranty Deed dated June 27, 1957, of record in Volume 1850 at Page 333 of the Deed Records of Travis County, Texas, and from which point of beginning an interior ell corner of said remaining 26.72 acre tract of land, same also being the most northerly corner of Lot 21 of Ridgelea, a subdivision out of the George W. Spear Survey in the City of Austin, Travis County, Texas, as recorded in Book 4 at Page 258 of the Plat Records of Travis County, Texas, bears N 59° 55' W 387.3 feet;

Thence N 3° 40' W 178.25 feet to a point;

Thence N 4° 26' E 401.00 feet to a point;

Thence N 8° 21' E 236.00 feet to a point;

Thence N 0° 14' W 187.47 feet to a point;

Thence N 11° 02' W 270.7 feet to point of termination in the north line of said remaining 26.72 acre tract of land, same being a point in the south line of lot B of Oak Haven Section 3, a subdivision out of the George W. Spear League in the City of Austin, Travis County, Texas, according to a

map or plat thereof as recorded in Book 11 at Page 40 of the Plat Records of Travis County, Texas, and from which point of termination the northwest corner of said remaining 26.72 acre tract of land, same being the most westerly corner of Lot 34 of Shoal Village Section 2, a subdivision out of the George W. Spear League in the City of Austin, Travis County, Texas, according to a map or plat thereof as recorded in Book 5, at Page 150 of the Plat Records of Travis County, Texas, same also being a point in the south right of way line of West 45th Street, same also being a point in the east right of way line of Bull Creek Road, bears N 59° 50' W 297.6 feet, and N 60° 43' W 317.03 feet, and N 59° 38' W 919.16 feet; **EASEMENT NO. 2:**

Beginning at a point in the north line of said remaining 26.72 acre tract of land, and from which point of beginning the northwest corner of said remaining 26.72 acre tract of land bears N 59° 50' W 315.9 feet, and N 60° 43' W 317.03 feet, and N 59° 38' W 919.16 feet;

Thence S 11° 02' E 155.00 feet to a point;

Thence S 24° 00' E 50.00 feet to a point of termination;

And in addition thereto, a temporary working space easement thirty (30.00) feet in width is to be retained parallel and adjacent to both sides of the strip of land described above in Easement No. 1 during the period of original installation.

The resolution was read.

On motion of Senator Herring, and by unanimous consent, the resolution was considered immediately and was adopted.

(President Pro Tempore in the Chair.)

Message From the Governor

The following message received from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas,
September 4, 1969.

To the Senate of the Sixty-first Legislature, Second Called Session:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments, effective immediately:

To be Judge of the Juvenile Court Number Two of Harris County, Texas, until the next General Election and until his successor shall be duly elected and qualified: Wallace Harland Miller, Attorney at Law, 1300 Moursund St., Houston, Texas 77025 (Harris County, 713 526-4151), Res.: 6018 Spellman (713 723-1032), Houston Texas 77035.

To be Judge of the Court of Domestic Relations Number Five of Harris County, Texas, until the next General Election and until his successor shall be duly elected and qualified: Jackson B. Smith, Jr., Judge, Probate Court No. 1, Harris County Courthouse, Houston, Texas 77001 (Harris County, 713 228-8311), Res.: 8735 Memorial Dr. (713 OV 1-1129), Houston, Texas 77024.

Respectfully submitted,
PRESTON SMITH,
Governor of Texas.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
September 4, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 9, Urging all citizens to observe Fire Prevention Week.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

At Ease

The President Pro Tempore announced at 4:02 o'clock p.m. that the Senate would stand At Ease Subject to the Call of the Chair.

In Legislative Session

Senator Aikin called the Senate to order as In Legislative Session at 5:35 o'clock p.m., today.

Recess

On motion of Senator Strong the Senate at 5:36 o'clock p.m. took recess until 8:00 o'clock p.m. today.

After Recess

The President called the Senate to order at 8:00 o'clock p.m. today.

Message From the House

Hall of the House of Representatives
Austin, Texas,
September 4, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to concur in Senate amendments to House Bill No. 4 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

House Conferees are: Atwell, Harding, Cory, Heatly, Traeger.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Memorial Resolutions

S. R. No. 22—By Senator Brooks: Memorial resolution for E. V. (Gene) Muller (amended).

S. R. No. 26—By Senator Bridges: Memorial resolution for Keats Dunnam, Sr.

Welcome Resolution

S. R. No. 23—By Senator Watson: Extending welcome and privileges of the floor for the day to Jackson Bain of Temple.

Adjournment

On motion of Senator Watson the Senate at 8:01 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

Thursday, September 4, 1969

S. B. No. 3
S. C. R. No. 2

In Memory of

Hubert C. Kennemer

Senator Aikin offered the following resolution:

(Senate Resolution 25)

Whereas, God in His infinite wisdom has called from these earthly labors Hubert C. Kennemer of Paris, Texas; and

Whereas, Mr. Kennemer was one of the outstanding citizens of our city; and

Whereas, He was one of the most able City Managers in Texas, having been both City Clerk and City Manager in Paris since 1957 until his recent retirement because of his health; and

Whereas, He was active in community life and his church and had both the love and respect of his fellow workers and fellow citizens in his community; and

Whereas, It is the desire of the Senate to extend to his family our deepest sympathy in their great loss; now, therefore, be it

Resolved, That a copy of this Resolution be mailed to his wife, Mrs. Mary Dorothy Kuykendall Kennemer; his two sons, David Frank Kennemer and Hubert C. Kennemer; and his brothers, David C. Kennemer and Elbert L. Kennemer, and that when the Senate adjourns today it do so out of respect to this good man and good citizen.

The resolution was read and was adopted by a rising vote of the Senate.